

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE
AT JACKSON
Assigned on Briefs August 6, 2013

STATE OF TENNESSEE v. JOBY LEE TEAL

Appeal from the Criminal Court for Shelby County
No. 88-02264-65; 88-01356; 88-03208 J. Robert Carter, Judge

No. W2013-00177-CCA-R3-CO - Filed November 20, 2013

Petitioner, Joby Lee Teal, filed a “Petition . . . for Extraordinary Relief” in the Criminal Court of Shelby County, asserting that four convictions in 1988 are invalid. The trial court dismissed the petition without an evidentiary hearing. On appeal, Petitioner asserts he is entitled to relief because the four convictions, entered as a result of a negotiated plea agreement, are void because they were illegally ordered to be served concurrently with each other. For the reasons set forth below, we affirm the judgment of the trial court pursuant to Rule 20 of the Rules of the Court of Criminal Appeals of Tennessee.

Tenn. R. App. P. 10 Extraordinary Appeal; Judgment of the Shelby County Criminal Court Affirmed Pursuant to Rule 20 of the Tennessee Court of Criminal Appeals

THOMAS T. WOODALL, J., delivered the opinion of the Court, in which JOHN EVERETT WILLIAMS and CAMILLE R. MCMULLEN, JJ., joined.

Joby Lynn Teal, Memphis, Tennessee, *Pro Se*.

Robert E. Cooper, Jr., Attorney General and Reporter; David H. Findley, Assistant Attorney General; and Amy P. Weirich, District Attorney General, for the appellee, the State of Tennessee.

MEMORANDUM OPINION

In his signed and self-verified petition which is the subject of this appeal, Petitioner concedes that he is not entitled to relief under either post-conviction proceedings (presumably because the statute of limitations has run) or habeas corpus proceedings (presumably because the sentences have long since been served, or because of the restrictions pursuant to Tennessee Code Annotated section 29-21-101(b)(1)). In *Joby Lee Teal v. The Criminal Court of Shelby County et al.*, No. W2011-02126-CCA-R3-CO, 2012 WL 2131108

(filed June 13, 2012, Tenn. Crim. App.), Petitioner appealed the trial court’s dismissal of his “Petition for Declaratory Judgment” which sought to attack the same convictions for the same reasons as alleged herein. This court affirmed the dismissal. In so doing, this Court noted that Petitioner had long since completed the sentences about which he complained. In the case *sub judice*, Petitioner’s theory for relief just does not exist; that is, he cannot have his convictions set aside pursuant to post-conviction or habeas corpus proceedings, and he essentially sought “extraordinary relief” on the implied basis that what happened 25 years ago was just not allowed.

This case fits the criteria for affirmance pursuant to Rule 20, Rules of the Court of Criminal Appeals of Tennessee. The judgment of the trial court was in a non-jury matter, it was not a determination of guilt, and the record does not preponderate against the finding of the trial court. No error of law requiring a reversal of the trial court’s judgment is apparent on the record.

Accordingly, the judgment of the trial court is affirmed.

THOMAS T. WOODALL, JUDGE